

Remarks

Claims 1-22 are pending. Claims 1-22 are rejected. Claims 4 and 8 are objected to. Applicant respectfully traverses the rejection and requests allowance of claims 1-22.

Claims 4 and 8 are objected to under 37 CFR 1.75(c) as being of improper dependent form.

Claims 4 and 8 are proper. Independent claims 1 and 5 disclose a vacuum port adapted to receive a vacuum hose. Dependent claims 4 and 8 disclose a vacuum port further adapted to receive a vacuum cleaner hose. A vacuum cleaner hose denotes the source of the vacuum and is therefore a subset of a vacuum hose. Claims 4 and 8 consequently provide further limitation to the vacuum hose. This limitation is not recited in claims 1 and 5. Applicant respectfully requests removal of the objection and allowance of claims 4 and 8.

Claims 1, 3-5, 7-11, 13-15 and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Senné (U.S. Patent No. 2,960,714). Applicant respectfully traverses the rejection.

Independent claims 1, 5, 11 and 15 require a chassis, handle and a vacuum port, independent of said handle, formed in the chassis. Figure 1 of the present application clearly shows a handle 103 and a vacuum port 106 that is independent of the handle 103. Advantageously, the claims may be implemented in some embodiments to allow the floor sweeper to be operated manually without a vacuum hose. In addition, the floor sweeper may be used as a vacuum cleaner when a vacuum hose is plugged into the vacuum port (see page 6, lines 23-27).

Senné does not disclose a vacuum port that is independent from the handle. Senné does not teach or suggest a separate vacuum port that can be used or not used independently of a handle. In contrast, Senné shows a nozzle 10 having a chassis and includes a "rigid length 39" in a hose receiving socket 38 located in the chassis (see fig. 1, #39). Senné discloses that the rigid length 39 provides a vacuum airflow and also must be used as a handle in order to be able to push the nozzle 10 (see fig. 1 #39, col. 3, lines

45-51, and col. 4, lines 12-13). This difference is significant because the user of the nozzle of Senné could not move or otherwise operate Senné without having the rigid length 39 attached (see col. 3, lines 71-73 and col. 4, lines 11-13). Even when the rigid length 39 is not providing a vacuum airflow, the rigid length 39 must be kept in place in order to push or pull the nozzle 10. Moreover, the vacuum source cannot be just a flexible hose, but must be a vacuum conduit including the rigid length. Implicit in this is that the “rigid length” must be of a satisfactory length to be used as a handle.

When the rigid length 39 of Senné is removed, the nozzle 10 is useless. The text in Senné admits that “[t]he device 10 is in reality in the form of a *nozzle attachment* for suction cleaning devices . . .” (see col. 4, lines 31-33) (emphasis added). This statement concedes that the nozzle 10 is merely an attachment for a conventional vacuum cleaner and is not a floor sweeper that can be used independently of a vacuum cleaner. The “handle” in Senné is therefore NOT independent of a vacuum port, and the rigid length 39 is constrained to be both the handle and the vacuum port when it is inserted into the nozzle 10.

Independent claims 1, 5, 11 and 15 therefore include features that are not taught by Senné. Dependent claims 3-4, 7-10, 13-14 and 17-22 are allowable for the same reasons as claims 1, 5, 11 and 15.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lilly (U.S. Patent No. 2,642,617). Applicant respectfully traverses the rejection.

Independent claim 1 requires a chassis, handle and a vacuum port, independent of said handle, formed in the chassis. Figure 1 of the present application clearly shows a handle 103 and a vacuum port 106 that is independent of the handle 103.

Lilly does not disclose a vacuum port that is independent from a handle. Lilly does not teach or suggest a separate vacuum port that can be used or not used independently of a handle. In contrast, Lilly discloses a hollow, rigid handle 57 in the form of a tube. The handle 57 is used to push and pull the carpet sweeper of Lilly. The handle 57 connects to a fitting 56, and a vacuum tube 58 connects to the handle 57. Suction is maintained through the handle 57 (see fig. 1 #57, 58 and col. 4, lines 48-49).

As before, the handle 57 comprises an integral component of the carpet sweeper of Lilly and the carpet sweeper cannot be operated without the handle 57.

Further, Lilly does not disclose a floor sweeper that can be operated in conjunction with a vacuum airflow or without a vacuum airflow. Lilly does not disclose any capability of operation absent a vacuum source. In addition, Lilly does not disclose any sort of a collection bin. Therefore, absent a vacuum source, the agitator has no place to propel the debris it has picked up. Lilly therefore cannot operate as a carpet sweeper that does not employ a vacuum airflow.

Independent claim 1 therefore includes features that are not taught by Lilly. Dependent claim 4 is allowable for the same reasons as claim 1.

The Response to Arguments section of the Office Action argues that the handles and vacuum ports of Senné and Lilly are independent because the handle is "inserted into the vacuum port." This is incorrect. The language of this statement disproves the asserted meaning. The handle of Senné or Lilly is NOT independent of the vacuum port *when it must be inserted into the vacuum port*. This illustrates that, on the contrary, the vacuum port of Senné and Lilly is dependent on and is part of the handle.

Claims 2, 6, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senné as applied to claims 1 and 5 respectively, and in further view of Sovis et al. (U.S. Patent No. 5,247,720).

Dependent claims 2, 6, 12 and 16 disclose a removable cover that blocks the vacuum port when placed in the closed position. Advantageously, the claims may be implemented in some embodiments to prevent debris from being propelled out of the floor sweeper when the removable cover is in the closed position.

Sovis does not disclose a cover, let alone a removable cover. Sovis does not even disclose a port.

In contrast, Sovis et al. discloses a vacuum cleaner equipped with a valve system 134 and 140 to transfer suction from a first air passageway to a second air passageway (see fig. 1, fig. 2, col. 5, line 68 and col. 6, lines 1-4). The valve of Sovis merely blocks or unblocks a conduit. A valve does not "cover" a port. A valve cannot "cover" any port

or opening. The assertion in the Office Action that the valve of Sovis is somehow comparable to a cover is incorrect.

Claims 2, 6, 12 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Senné in view of Sovis et al. Claims 2, 6, 12 and 16 depend from independent claims 1, 5, 11 and 15 respectively and therefore are patentable for the reasons previously discussed.

In light of the foregoing amendments and remarks, the applicant respectfully requests allowance of claims 1-22.

Please feel free to call me to discuss the patentability of the pending claims.

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